

COURT MINUTES OF SENTENCING HEARING

UNITED STATES of AMERICA,

v.

CASE NO. 18-CR-14-JPS

TINA D. JENKINS.

HON. J. P. STADTMUELLER PRESIDING

DATE: June 28, 2018

TIME SCHEDULED: 9:30 a.m.

COURT DEPUTY/CLERK: Christopher Bader

TIME CALLED: 9:34 a.m.

COURT REPORTER: Richard Erlich

TIME FINISHED: 10:05 a.m.

GOVERNMENT BY: Carol Kraft

DEFENDANT BY: Anderson Gansner

PROBATION BY: Daniel Dragolovich

Notes:

- 9:34 Appearances; Court puts background of case on record, including Defendant's having pled guilty to Count One of the Indictment; Court notes it has reviewed presentence report
- 9:36 Parties have reviewed presentence report and have no objections to the facts as stated therein; Court therefore adopts the facts as stated in the presentence report
- 9:37 Court notes applicable Guidelines:
- Total Offense Level: 6
 - Criminal History Category: I
 - 0–6 months' imprisonment
 - 1–3 years' supervised release
 - 1–5 years' probation
 - \$1,000–\$9,500 fine
 - \$1,200 restitution
 - \$100 special assessment
- 9:38 Defendant accepts the Guideline calculation provided by the Probation Office; government raises objection that there should be a two-level enhancement since there were more than 10 victims; Court and government hold colloquy; Court declines to rule without formal objection protocol being followed; Court will adopt Probation Office's Guideline calculation for purposes of considering Defendant's sentence

9:46 Defendant's attorney makes a statement on her behalf; requests sentence of two years of probation
9:49 Defendant makes a statement on her behalf
9:52 Government makes a statement; joins in defense request for sentence of two years of probation
9:54 Court notes that it previously circulated proposed conditions of probation; parties have reviewed them and have no objections thereto
9:56 Court discusses statements of the parties, facts of the case, and facts as presented in presentence report
10:01 Court imposes the following formal sentence:
2 years of probation as to Count One
Fine is waived
\$1,200 restitution
\$100 special assessment
10:04 Court advises Defendant of her right of appeal
10:05 Parties have nothing further to address
10:05 Court stands in recess

FORMAL SENTENCE

Custody of Bureau of Prisons

None

Probation

Two (2) years as to Count One

Fine

Terms: None

- ☒ Fine waived due to Defendant's inability to pay
- ☐ Interest on fine is waived
- ☐ Defendant to participate in FBP Inmates' Financial Responsibility Program
- ☒ Payments to apply to special assessment, then fine or restitution (if applicable)
- ☐ Court imposes costs of incarceration, community confinement, and supervision

Restitution

Terms: \$1,200.00

Payee(s): Breast Cancer Research & Support Fund; National Police & Trooper Association

Special Terms of Payment: Interest is waived

Conditions of Supervised Release

- | | |
|---|--|
| <input checked="" type="checkbox"/> No other crimes | <input checked="" type="checkbox"/> Notify of residence or employment change |
| <input checked="" type="checkbox"/> No firearms | <input checked="" type="checkbox"/> Permit probation visits and confiscation |
| <input checked="" type="checkbox"/> No illegally possess controlled substances | <input checked="" type="checkbox"/> Notify probation of arrest |
| <input checked="" type="checkbox"/> Report immediately to probation | <input checked="" type="checkbox"/> No informer agreement without approval |
| <input checked="" type="checkbox"/> Drug testing | <input checked="" type="checkbox"/> Financial disclosures |
| <input checked="" type="checkbox"/> Shall not knowingly leave district | <input checked="" type="checkbox"/> No new credit charges |
| <input checked="" type="checkbox"/> Follow probation officer instructions | <input checked="" type="checkbox"/> No transfer over \$500 without approval |
| <input checked="" type="checkbox"/> Best efforts to secure full-time employment | <input checked="" type="checkbox"/> Reside at approved residence |
| <input checked="" type="checkbox"/> No association with criminals | <input checked="" type="checkbox"/> Pay restitution at \$25/month |

Special Assessment

Terms: \$100.00

- ☒ To be paid immediately to the Clerk of the Court, Room 362
- ☐ To be paid prior to the expiration of this sentence
- ☐ Other:

Forfeiture

Terms:

Custody Status

- ☐ Defendant remanded to custody of U.S. Marshal
- ☐ Execution of sentence stayed until ____
- ☐ Defendant shall voluntarily surrender to institution on or after ____
- ☐ Defendant's bond continued until he/she reports
- ☒ Defendant advised of right of appeal
- ☐ Recommendations for BOP:

Other

- ☐ Upon motion of the government, Count X be and the same is/are hereby DISMISSED
- ☐ Court orders that drug testing requirements be and the same are hereby WAIVED

STATEMENT OF REASONS

- ☒ The Court adopts the factual findings and Guideline application in the presentence report
or
- ☐ The Court adopts the factual findings and Guideline application in the presentence report
except as noted at sentencing

Guideline Range Determined by the Court:

Total Offense Level:	6
Criminal History Category:	I
Imprisonment Range:	0–6 months
Supervised Release Range:	1–3 years
Probation Range:	1–5 years
Fine Range:	\$1,000.00–\$9,500.00
Restitution:	\$1,200.00
Special Assessment:	\$100.00

- ☒ Fine is waived or is below the Guideline range because of Defendant's inability to pay
- ☐ Full restitution is not ordered for the following reasons:

- ☒ The sentence is within the Guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the Guidelines
or
- ☐ The sentence is within the Guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:
or
- ☐ The sentence departs from the Guideline range for the reasons set forth at sentencing